IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2744 OF 2005

WITH

CIVIL APPLICATON NO. 2295 OF 2002

IN

WRIT PETITION NO.5528 OF 1988

Shri Sambhajirai Hanumantrao
Sawant Bhosale, since
deceased through heirs &
legal representatives:
Shri Ranjit alias Shivajirao
Sambhajirao Sawant-Bhosale
& Anr. . .. Petitioners.

vs.

Narsu Babaji Patil
Since deceased by his heirs
& Legal Representatives
Shri Sakharam Narsu Patil
& Others. .. Respondents.

Mr. R.M. Pethe i/by R.G. Ketkar for petitioners.
Mr. V.A. Thorat for respondents.

CORAM : S.U. KAMDAR, J.

DATE : 15th December, 2005.

P.C.:

. The present civil application is taken out for bringing the legal heirs of the sole petitioner on record. The petitioner has died on 29.12.1992. The C.A. is taken out in April 2004. However, in view of the submissions of the learned counsel for the petitioner that the petitioner should not suffer and the matter be heard on merits and if necessary on payment of heavy costs, I am of the opinion that the C.A. can be granted. The legal heirs can be brought on record. Accordingly, the civil application is made absolute in terms of prayer clauses (a), (b), (c), (d) and (e). Civil Application No. 2295 of 2002 is restored and the same is also made absolute in terms of prayer clauses (a), (b), (c) and (cc). The petitioner is directed to pay costs of both the civil applications quantified at Rs. 10,000/- within a period of four weeks from today to the respondents failing which both the C.A.s to stand dismissed.